

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

FRED ADAMI, et al.,

Plaintiff,

v.

CARDO WINDOWS, INC., et al.,

Defendants.

Civil Action
No. 12-2804 (JBS/JS)

ORDER

This matter having come before the Court on Defendants Cardo Windows, Inc. ("Cardo"), Christopher Cardillo, Sr., Christopher Cardillo, Jr., Nicholas Cardillo, Edward Jones, John Belmonte, Pat Tricocci, and Nicholas Brucato's partial motion to dismiss claims [Docket Item 22]; the Court having considered the parties' submissions; for the reasons explained in the opinion of today's date; and for good cause shown;

IT IS, this 23rd day of July, 2013 hereby

ORDERED that Counts VI and X for failure to maintain records under the Fair Labor Standards Act and New Jersey Wage and Hour Law are dismissed with prejudice as any amendment would be futile; and it is

ORDERED that Count XIII for wrongful discharge is dismissed with prejudice as any amendment would be futile; and it is

ORDERED that Counts III and IX, for violation of § 502(a)(3) of ERISA are hereby dismissed without prejudice to

filing a motion to amend within the deadline for doing so to be set in the Scheduling Order pursuant to Rule 16(b)(1); and it is further

ORDERED that Defendants' motion to dismiss is denied in all other respects.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief U.S. District Judge